

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HERBIE HAMILTON, INDIVIDUALLY AND :
ON BEHALF OF ALL OTHERS SIMILARLY :
SITUATED, :
: Plaintiff, :
: : 20-cv-1084(VEC)
-against- :
: :
ORGAIN, INC., : Defendant. :
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USDC SDNY
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DATE FILED: 2/10/2020

VALERIE CAPRONI, United States District Judge:

Counsel for all parties are directed to appear before the undersigned for an Initial Pretrial Conference (“IPTC”) in accordance with Rule 16 of the Federal Rules of Civil Procedure on **March 20, 2020 at 10:00 a.m.** in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007.

1. Pursuant to section 1.C of the Court’s Individual Practices in Civil Cases, requests for adjournment of the IPTC or any other conference must be made in writing at least 48 hours prior to the scheduled conference. The request must state (1) the reason for the proposed adjournment; (2) the original date of the conference; (3) the number of previous requests for adjournment; (4) whether the other party or parties consent and, if not, the reason given for refusing consent; and (5) proposed alternative dates. **This Court encourages plaintiffs to serve defendants promptly.** Requests for adjournment of the IPTC will not necessarily be granted on the ground that one or more Defendants have not been served or answered prior to the scheduled IPTC.

2. The parties are directed to submit a joint letter of no more than five pages by **March 12, 2020**, addressing the following in separate paragraphs: (1) a brief description of the case, including the factual and legal bases for the claim(s) and defense(s); (2) any contemplated motions; (3) the basis for subject matter jurisdiction; and (4) the prospect for settlement.

3. If this case involves claims that arise under the Fair Labor Standards Act (“FLSA”), the joint letter must indicate whether the Plaintiff(s) intend to move for certification of a collective and whether the Defendant(s) intend to object to such certification. If there will be a disputed motion for a collective, the Court will likely cancel the IPTC, stay discovery, and set a briefing schedule for the motion.

4. The parties are directed to consult the undersigned’s Individual Practices in Civil Cases and to confer on a Civil Case Management Plan and Scheduling Order. The Individual Practices and Civil Case Management Plan may be found on the Court’s website: <https://nysd.uscourts.gov/hon-valerie-e-caproni>. The parties must submit the jointly proposed Plan to the Court with their joint letter.

5. By the date of the IPTC, counsel for all parties are required to register as filing users in accordance with the Procedures of Electronic Case Filing and file a Notice of Appearance.

6. Plaintiff’s counsel, or the defendant’s counsel in removed cases, is responsible for distributing copies of this Notice to all parties.

SO ORDERED.

Date: February 10, 2020
New York, New York


VALERIE CAPRONI
United States District Judge